

MODIFICATION
OF
AGREEMENT FOR SANITARY SEWER SERVICE
BETWEEN THE CITY OF COLUMBUS
AND
DELAWARE COUNTY

This Modification is made and entered into this _____ day of _____, 2012 by the City of Columbus, pursuant to Ordinance No. _____ passed on _____, and the Delaware County Regional Sewer District, acting through the Board of County Commissioners of Delaware County, Ohio, pursuant to Resolution No. _____ adopted on _____.

WHEREAS, the City of Columbus and the Delaware County Regional Sewer District, acting through the Board of County Commissioners of Delaware County, Ohio, entered into an agreement for sanitary sewer service on November 12, 1991, pursuant to Ordinance No. 2424-91, passed by the City of Columbus, and Resolution No. 91-827, adopted by the Board of County Commissioner of Delaware County; and

WHEREAS, the sewer service agreement describes four different tributary areas and the respective density standards under which sewer service will be provided to each area; and

WHEREAS, the City of Columbus and the Delaware County Regional Sewer District have agreed that it is in the best interests of both parties to modify the density standard for the tributary area designated in the sewer agreement as AREA #1;

NOW THEREFORE, it is agreed that the sewer agreement will be modified as follows:

1. Section III(B) is hereby deleted and replaced in its entirety with the following:

Each party may require the other to oversize sanitary sewers which may be constructed and to extend such sewers to serve upstream properties within the tributary area which may be located outside the parties' respective governmental boundaries. Wastewater flow from the tributary areas shall be based upon the following standards:

- (1) AREA #1 – 16.5 persons per acre.
- (2) AREA #2 and AREA #3 the conditions of service thereto to be determined in accordance with the provisions of I(B) hereinabove set forth, but in any event not to exceed 4 persons per acre.
- (3) AREA #4 – 8 persons per acre.
- (4) 1 person equals 100 gallons per day.

Densities in portions of each area may exceed the maximum density per acre as set forth above, however, the gross density per area shall not be exceeded, and such density shall be reserved for the entire tributary area of each sanitary sewer. Each party shall have the

right to discharge wastewater from their respective tributary areas into any sewer owned and operated by the other party under the terms of this Agreement based upon the above densities. Both parties shall maintain records of connection permits, and shall transmit copies of sewer connection/service permits to each other at least quarterly and shall keep and maintain accurate records of all premises connected with their respective sewers, which records shall, upon demand, be made available to each other.

2. It is understood and agreed by and between the City of Columbus and the Delaware County Regional Sewer District that all terms and conditions of the original sewer service agreement shall remain binding and in full force and effect, except as necessarily amended herein, and shall constitute the entire agreement between the parties for sanitary sewer service.

FURTHERMORE, the Delaware County Regional Sewer District may build a new wastewater treatment plant with a discharge directly to Alum Creek Reservoir. The new plant, which will be designed to serve the Central Alum Creek service area as defined in the Delaware County 2005 Sewer Master Plan, will be designed to treat an average flow of 800,000 gallons per day, which is approximately equal to the increased capacity allowed to the City of Columbus per this modification of Section III(B) above. Delaware County agrees to site, design, construct, maintain and operate such facility in accordance with Ohio EPA requirements and so as not to degrade the City's water supply to the extent such degradation would require that the City of Columbus institute additional treatment procedures. It is also agreed that if Delaware County designs a plant that is in compliance with this paragraph, the City of Columbus shall not oppose the new plant and shall not request additional treatment requirements beyond the EPA's regulated limits for this facility. It is further agreed that if Delaware County designs a plant that is in compliance with this paragraph, the City of Columbus shall direct its Department of Public Utilities to submit a letter of support to the Board of Commissioners of Delaware County and the Ohio EPA for the new "Central Alum Creek" plant contemplated herein within thirty (30) days after Delaware County files an NPDES permit application therefor with the Ohio EPA.

(SIGNATURES ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties hereto have set their signatures this ____ day of _____, 2012.

THE CITY OF COLUMBUS

By: _____
Director of Public Utilities

Date: _____

THE BOARD OF COUNTY COMMISSIONERS
OF DELAWARE COUNTY, OHIO

By: _____
Dennis Stapleton, President of the Board
Pursuant to Resolution No. 11-137 and
Resolution No.

Date: _____

APPROVED AS TO FORM:

City Attorney
City of Columbus

Prosecuting Attorney
Delaware County